

STATE BOARD OF COSMETOLOGY EXAMINERS MEETING
MONDAY, JULY 20, 2009, 10:00 A.M.
INDIANA GOVERNMENT CENTER SOUTH
402 W. WASHINGTON STREET, ROOM W064
INDIANAPOLIS, IN 46204

MINUTES OF THE MEETING

BOARD MEMBERS PRESENT:

David Demuth, President
Diane Weisheit, Vice President
Diana Bonn
Elizabeth Lynch
Dr. Rebecca Bushong

STATE OFFICIALS PRESENT:

Tracy Hicks, Board Director
Tina Wiseley, Assistant Director
Julie Alexander, Deputy Attorney General
Natalie Stidd, Deputy Attorney General

MINUTES TRANSCRIBED AND
COMPILED BY:

Tracy Hicks, Board Director

MINUTE 09-61

CALL TO ORDER AND ESTABLISHMENT OF QUORUM

The committee meeting was called to order at 10:00 a.m. by D. Demuth pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

MINUTE 09-62

ADOPTION OF THE AGENDA

D. Bonn moved to adopt the July 20, 2009 agenda as amended. E. Lynch seconded the motion. Motion carried.

MINUTE 09-63

ADOPTION OF THE MINUTES OF THE MAY 18, 2009 MEETING OF THE BOARD

D. Bonn moved to approve the minutes of the May 18, 2009 meeting of the board. D. Weisheit seconded the motion. Motion carried.

MINUTE 09-64

ADMINISTRATIVE HEARING IN THE MATTER OF THE NAIL LUV, MS39800597 AND KHOI MINH DUONG, MA29501323, SBCE 01-72

The board conducted an administrative hearing in the matter of The Nail Luv, MS39800597 and Khoi Minh Duong, MA29501323, SBCE 01-72.

D. Weisheit moved to issue a Notice of Proposed Default Order in the matter of The Nail Luv, MS39800597 and Khoi Minh Duong, MA29501323, SBCE 01-72. D. Bonn seconded the motion. Motion carried.

MINUTE 09-65

ADMINISTRATIVE HEARING IN THE MATTER OF BRENDA ANDERSON, BC02117855, SBCE 07-42

The board conducted an administrative hearing in the matter of Brenda Anderson, BC02117855, SBCE 07-42.

D. Weisheit moved to impose further sanctions to include following original Final Order, suspend the license indefinitely with no right to petition for reinstatement for a period of thirty days, and pay the cost of the proceedings. D. Bonn seconded the motion. Motion carried.

MINUTE 09-66

PERSONAL APPEARANCES

1. P.J.'s College of Cosmetology by Judith and or Phillip Stewart, SBCE 08-26 – D. Weisheit moved to issue a notice to show cause for failure to appear. D. Bonn seconded the motion. Motion carried.
2. Nail Expo, MS30500736, SBCE 08-17 - D. Weisheit moved to issue a notice to show cause for failure to appear. E. Lynch seconded the motion. Motion carried.
3. Mighty Sharp Barber (Beauty) Shop, BS30500317, SBCE 06-31 – Failed to appear. Show Cause hearing already conducted.
4. Pro Nails, MS30701326, SBCE 07-03 – Failed to appear. Show Cause hearing already conducted.

MINUTE 09-67

JENNIFER IRVING, PAST PRESIDENT OF THE AMERICAN MASSAGE THERAPY ASSOCIATION-INDIANA CHAPTER

Jennifer Irving, past President of the American Massage Therapy Association-Indiana Chapter addressed the board regarding the consumer protection aspect of massage that is provided in the course of practice as an esthetician and cosmetologist and how it is different than massage therapy. Ms. Irving requested an official interpretation of the State Board of Cosmetology Examiners statutes and rules regarding the practice and advertising of massage by beauty culture professionals. She would like the board to indicate beauty culture professionals should not be advertising or providing full body massage. The board explained that they are unable to provide legal interpretation of the statutes and rules. They further explained that it has never been the intent of beauty culture education to promote therapeutic massage, rather massage is part of the application of beauty products and manicures and pedicures.

Ms. Irving indicated that she will present a Bill at the next Legislative Session to remove massage from the definition of beauty culture professionals.

MINUTE 09-68

IN THE MATTER OF LSA DOC. #08-935 CONCERNING EXAMINATION REQUIREMENTS, SANITATION, COSMETOLOGY SCHOOLS, SALONS, AND COURSE REQUIREMENTS

Julie Alexander again indicated that she will check with Jim Schmidt, Deputy Attorney General on the public comment matter and report back to the board at the September 21, 2009 meeting.

MINUTE 09-69

DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDER

D. Bonn moved to affirm the Administrative Law Judge's order and issue Final Order in the matter of Tara Houchin, SBCE 08-32. E. Lynch seconded the motion. Motion carried.

D. Weisheit moved to affirm the Administrative Law Judge's order and issue Final Order in the matter of Pro Nails, SBCE 09-08. D. Bonn seconded the motion. Motion carried.

MINUTE 09-70

CONSIDERATION OF PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

D. Weisheit moved to accept the Proposed Findings of Fact, Conclusions of Law, And Order in the matter of Nail Fever, MS30300759 and Men Thi Tran, MA20101853, SBCE 09-10. D. Bonn seconded the motion. Motion carried.

MINUTE 09-71**CONSIDERATION OF REQUESTS FOR WAIVER OF 820 IAC 2-2-3(b)**

D. Bonn moved to approve the requests for waiver of 820 IAC 2-2-3(b) and allow three (3) months to sit for the examination for the first time in the matter of Carolynn Epperson. D. Weisheit seconded the motion. Motion carried.

D. Weisheit moved to approve the requests for waiver of 820 IAC 2-2-3(b) and allow three (3) months to sit for the examination in the matter of Nicole McDougall. D. Bonn seconded the motion. Motion carried.

D. Weisheit moved to approve the requests for waiver of 820 IAC 2-2-3(b) and allow six (6) months to sit for the examination one time only in the matter of Tung Thanh Nguyen. D. Bonn seconded the motion. Motion carried.

D. Weisheit moved to approve the requests for waiver of 820 IAC 2-2-3(b) and allow six (6) months to pass the examination in the matter of Alicia M. Deamus. D. Bonn seconded the motion. Motion carried.

D. Weisheit moved to approve the requests for waiver of 820 IAC 2-2-3(b) and allow six (6) months to pass the examination in the matter of Ida McGraw. E. Lynch seconded the motion. Motion carried.

MINUTE 09-72**CONSIDERATION OF REQUEST FOR WAIVER OF 820 IAC 4-1-5(d)**

D. Weisheit moved to table the requests for waiver of 820 IAC 4-1-5(d) in the matter of Concetta Thomas. E. Lynch seconded the motion. Motion carried.

D. Weisheit moved to approve the requests for waiver of 820 IAC 4-1-5(d) and allow six (6) months to graduate from cosmetology school in the matter of Dawn Richardson. D. Bonn seconded the motion. Motion carried.

MINUTE 09-73**CONSIDERATION OF REQUEST FOR WAIVER OF IC 25-8-7-3; IC25-8-12.6-3, IC25-8-7.2-3**

D. Weisheit moved to approve the request for waiver of the six month licensure requirement to manage a salon in the matter of Tonya Lynn Watson. E. Lynch seconded the motion. Motion carried.

D. Weisheit moved to deny the request for waiver of the six month licensure requirement to manage a salon in the matter of Latha Asani. Motion failed due to lack of a second.

D. Bonn moved to table the request for waiver of the six month licensure requirement to manage a salon in the matter of Latha Asani pending a menu of services offered at the salon and an explanation as to why the two work experience affidavits appear to be in the same handwriting. E. Lynch seconded the motion. D. Weisheit opposed. Motion carried.

MINUTE 09-74**GRANTING OR DENYING PETITIONS FOR REVIEW AND APPOINTMENT OF ADMINISTRATIVE LAW JUDGE**

D. Weisheit moved to grant the petitions for review and appoint D. Demuth as the Administrative Law Judge in the matter of Kathryn Lee Taylor and Ashley N. Young. E. Lynch seconded the motion. Motion carried.

MINUTE 09-75**DEPUTY ATTORNEY GENERAL'S REPORT**

No report.

MINUTE 09-76
APPLICATION COMMITTEE REPORT

D. Bonn moved to accept the following application committee report as follows. D. Weisheit seconded the motion. Motion carried.

COSMETOLOGY RECIPROCITY APPLICATIONS

Foster, Wendy Ann – TABLED – cosmetology school transcript

Hayden, Jenna Eileen – DENIED – insufficient education and work experience – IC 25-8-4-2(a)(2), IC 25-8-4-2(b), and 820 4-4-4

McDougal, Nicole Michelle – DENIED – insufficient education and work experience – IC 25-8-4-2(a)(2), IC 25-8-4-2(b), and 820 4-4-4

Nunez-Ibarro, Angelica – DENIED – no skin care or waxing, incomplete application – IC25-8-4-2(a)(1)

Rienitz, Terry F. – TABLED – criminal docket or conviction record

Ronco, Kristina M. – TABLED – criminal docket or conviction record and waiver request

COSMETOLOGY EXAMINATION APPLICATIONS

Childress, Jennifer N. – APPROVED

Hinkle, Alisha Marie – APPROVED

Knutson, Craig – APPROVED

MANICURIST EXAMINATION APPLICATION

Anderson, Trane Minh – DENIED – no proof of education – IC 25-8-11-4(3) and 820 IAC 4-4-5

Chang, Benny W. – DENIED – no proof of education – IC 25-8-11-4(3) and 820 IAC 4-4-5

Dang, Man M. – DENIED – no proof of education – IC 25-8-11-4(3) and 820 IAC 4-4-5

Dang, Tu-Uyen – DENIED – no proof of education – IC 25-8-11-4(3) and 820 IAC 4-4-5

Ha, Tai Khay – DENIED – no proof of education – IC 25-8-11-4(3) and 820 IAC 4-4-5

Huynh, Son – DENIED – no proof of education – IC 25-8-11-4(3) and 820 IAC 4-4-5

Le, Hien Trung – DENIED – no proof of education – IC 25-8-11-4(3) and 820 IAC 4-4-5

Ngo, Anna T. – DENIED – no proof of education – IC 25-8-11-4(3) and 820 IAC 4-4-5

Nguyen, Amy Tuyen – DENIED – no proof of education – IC 25-8-11-4(3) and 820 IAC 4-4-5

Nguyen, Ha T. – DENIED – no proof of education – IC 25-8-11-4(3) and 820 IAC 4-4-5

Nguyen, Nhan Kim – DENIED – no proof of education – IC 25-8-11-4(3) and 820 IAC 4-4-5

Nguyen, Paula – DENIED – no proof of education – IC 25-8-11-4(3) and 820 IAC 4-4-5

Pham, Quoc A. – DENIED – no proof of education – IC 25-8-11-4(3) and 820 IAC 4-4-5

Phan, Susan – DENIED – no proof of education – IC 25-8-11-4(3) and 820 IAC 4-4-5

Yen, Lahraman T. – DENIED – no proof of education – IC 25-8-11-4(3) and 820 IAC 4-4-5

MANICURIST RECIPROCITY APPLICATIONS

Hoang, Thang Duc – APPROVED

ESTHETICIAN RECIPROCITY APPLICATION

Hamilton, Leslie I. – APPROVED

ESTHETICIAN EXAMINATION APPLICATION

White, Vanessa D. – APPROVED ON PROBATION (one year)

INSTRUCTOR EXAMINATION APPLICATION

Jernigan, Lashonda K. – TABLED – proof of work experience from salon

MANICURIST SALON APPLICATIONS

OP Nails – DENIED – unlicensed practice – IC 25-1-11-19(a)(1)(B)

MINUTE 09-77
RULES COMMITTEE REPORT

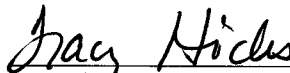
Mobile salon rules were not discussed.

MINUTE 09-78
ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 3:00 p.m.

DATED: 9-21-09


DAVID DEMUTH, PRESIDENT


ATTEST BY:
TRACY HICKS, BOARD DIRECTOR